

PATRICIA A. CONNERS (Trish.Conners@myfloridalegal.com)
R. SCOTT PALMER (Scott.Palmer@myfloridalegal.com)
LIZABETH A. BRADY (Liz.Brady@myfloridalegal.com)
NICHOLAS J. WEILHAMMER (Nicholas.Weilhammer@myfloridalegal.com)
SATU A. CORREA (Satu.Correa@myfloridalegal.com)
Office of the Attorney General
State of Florida
PL-01, The Capitol
Tallahassee, FL 32399-1050
Tel: (850) 414-3300
Fax: (850) 488-9134

Attorneys for Plaintiff State of Florida

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

MASTER FILE NO. 07-cv-5944 SC
MDL NO. 1917

This Document Relates To:

Case No. 2011-CV-6205 SC

STATE OF FLORIDA,
OFFICE OF THE ATTORNEY GENERAL,
DEPARTMENT OF LEGAL AFFAIRS,

Plaintiff,

v.

LG ELECTRONICS, INC., et al.,

Defendants.

**DECLARATION OF NICHOLAS J.
WEILHAMMER IN SUPPORT OF
PLAINTIFF STATE OF FLORIDA'S
MOTION FOR DEFAULT JUDGMENT
AGAINST CERTAIN DEFENDANTS**

Date: September 5, 2012

Time: 10 a.m.

Location: JAMS, Two Embarcadero Center,
Suite 1500

Judge: Hon. Samuel Conti

Special Master: Hon. Charles A. Legge (Ret.)

DECLARATION OF NICHOLAS J. WEILHAMMER IN SUPPORT OF PLAINTIFF STATE OF FLORIDA'S MOTION FOR DEFAULT
JUDGMENT

Master File No. 07-cv-5944 SC;

Case No. 2011-cv-6205 SC

1 I, Nicholas J. Weilhammer, declare as follows:

2 1. I am admitted to practice in this Court pro hac vice pursuant to Pretrial Order No. 1,
3 waiving Civil L.R. 11-3. I am an Assistant Attorney General with the State of Florida,
4 Department of Legal Affairs, Office of the Attorney General. I have personal knowledge of the
5 facts stated herein and, if called as a witness, I could competently testify thereto.
6

7 2. Attached as Exhibit A is a true and correct copy of correspondence dated July 24, 2012,
8 received from Michelle Park Chiu, counsel of record for Hitachi, Ltd., Hitachi Displays, Ltd.,
9 Hitachi Electronic Devices (USA), Inc., and Hitachi Asia, Ltd.

10 3. The State of Florida did not receive a response to its Amended Complaint on or before
11 July 30, 2012, from the following Defendants:
12

- 13 • Hitachi, Ltd.
- 14 • Hitachi Displays, Ltd.
- 15 • Hitachi Electronic Devices (USA), Inc.,
- 16 • Hitachi Asia, Ltd.
- 17 • Koninklijke Philips Electronics N.V. A/K/A Royal Philips Electronics N.V.
- 18 • Philips Electronics North America Corporation
- 19 • Panasonic Corporation f/k/a Matsushita Electric Industrial Co., Ltd.
- 20 • Panasonic Corporation of North America
- 21 • Mt Picture Display Co., Ltd.
- 22 • LG Electronics, Inc.
- 23 • LG Electronics U.S.A., Inc.
- 24 • Samsung SDI America, Inc.
- 25 • Samsung SDI Co., Ltd. F/K/A Samsung Display Device Co., Ltd.
- 26 • Samsung SDI (Malaysia) SDN. BHD.
- 27 • Samsung SDI Mexico S.A. DE C.V.
- 28 • Samsung SDI Brasil Ltda.
- Shenzhen Samsung SDI Co., Ltd.
- Tianjin Samsung SDI Co., Ltd.
- Toshiba Corporation
- Toshiba America Electronic Components, Inc.

I declare under penalty of perjury under the laws of the United States that the foregoing is

1 true and correct.

2 Executed this 31st day of July, 2012, at Tallahassee, Florida.

3
4 s/ Nicholas J. Weilhammer
5 Nicholas J. Weilhammer
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

28 DECLARATION OF NICHOLAS J. WEILHAMMER IN SUPPORT OF PLAINTIFF STATE OF FLORIDA'S MOTION FOR DEFAULT
JUDGMENT
Master File No. 07-cv-5944 SC;
Case No. 2011-cv-6205 SC

EXHIBIT A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Morgan, Lewis & Bockius LLP
One Market, Spear Street Tower
San Francisco, CA 94105
Tel: 415.442.1000
Fax: 415.442.1001
www.morganlewis.com

Morgan Lewis
C O U N S E L O R S A T L A W

Michelle Park Chiu
Associate
415.442.1184
mchiu@morganlewis.com

July 24, 2012

VIA E-MAIL

Hon. Charles A. Legge
JAMS
Two Embarcadero Center, Suite 1500
San Francisco, CA 94111

Re: *In re Cathode Ray Tube Antitrust Litigation*, MDL No. 1917; Defendants' Motion to Dismiss the State of Florida's Amended Complaint: Hearing Date September 5, 2012

Dear Judge Legge:

I write on behalf of the moving Defendants in *State of Florida v. LG Electronics, Inc., et al.* regarding Defendants' Motion to Dismiss the State of Florida's Complaint.

Florida filed its Complaint on December 9, 2011 ("Original Complaint"). Defendants moved to dismiss the Original Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on July 3, 2012 (Dkt. 1248). Last week, Florida filed both an Amended Complaint (on July 16, 2012, Dkt. 1260) and an Opposition to Defendants' Motion to Dismiss (on July 17, 2012, Dkt. 1262). Defendants' Reply in support of their Motion to Dismiss the Original Complaint is due on July 24, 2012.

Pursuant to Rule 15(a)(3) of the Federal Rules of Civil Procedure, Defendants are required to respond to the Amended Complaint within fourteen (14) days of service, or by July 30, 2012. Defendants will file a motion to dismiss the Amended Complaint on July 30, 2012.

The Amended Complaint supersedes the Original Complaint; thus, Defendants' Motion to Dismiss the Original Complaint (Dkt. 1248) and Florida's Opposition (Dkt. 1262), are now moot, and Defendants will *not* file a Reply Brief on July 24, 2012 in support of the Motion to Dismiss the Original Complaint. Counsel for Florida informed counsel for Defendants that Florida declines to join in a stipulation regarding the above, stating that they do not believe any stipulation is necessary.

Morgan Lewis
C O U N S E L O R S A T L A W

Hon. Charles A. Legge
July 24, 2012
Page 2

Finally, Defendants will notice their motion to dismiss the Amended Complaint for hearing on September 5, 2012, the date currently set on the Court's calendar.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Park Chiu". The signature is fluid and cursive, with the first name "Michelle" being more prominent.

Michelle Park Chiu

cc: Lizabeth Brady, Esq.
 Nicholas Weilhammer, Esq.
 Defense Counsel